

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

UNITED STATES OF AMERICA

:

: Case No. 2:23-CR-9

v.

:

: Violations: 21 U.S.C. §§ 846, 841

RODNEY ALLEN PICKETT

: 18 U.S.C. §§ 922, 924

: 26 U.S.C. § 5861

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE

1. On or about and between February 2022 and March 2023, in the Western District of Virginia and elsewhere, RODNEY ALLEN PICKETT, James "JT" Thomas Green, Gabriel Allen Bentley, and others knowingly and intentionally conspired to distribute and possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841.

2. Before RODNEY ALLEN PICKETT committed the offense charged in this count, RODNEY ALLEN PICKETT had the following final conviction for a serious drug felony for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense:

- Conviction in Russell County, Virginia Circuit Court on June 10, 2014 (Case No. CR13-15607), for Conspiracy to Distribute a Schedule II Controlled Substance, in violation of Virginia Code Section 18.2-248.1:1, with an offense date of January 10, 2013.

3. All in violation of Title 21, United States Code, Sections 846, 841(b)(1)(A), and 851.

COUNT TWO

1. On or about January 19, 2023, in the Western District of Virginia, RODNEY ALLEN PICKETT knowingly and intentionally distributed a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, after the following conviction for a felony drug offense had become final:

- Conviction in Russell County, Virginia Circuit Court on June 10, 2014 (Case No. CR13-15607), for Conspiracy to Distribute a Schedule II Controlled Substance, in violation of Virginia Code Section 18.2-248.1:1, with an offense date of January 10, 2013.

2. All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 851.

COUNT THREE

1. On or about February 8, 2023, in the Western District of Virginia, RODNEY ALLEN PICKETT knowingly and intentionally distributed a mixture or substance

containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, after the following conviction for a felony drug offense had become final:

- Conviction in Russell County, Virginia Circuit Court on June 10, 2014 (Case No. CR13-15607), for Conspiracy to Distribute a Schedule II Controlled Substance, in violation of Virginia Code Section 18.2-248.1:1, with an offense date of January 10, 2013.

2. All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 851.

COUNT FOUR

1. On or about February 9, 2023, in the Western District of Virginia, RODNEY ALLEN PICKETT knowingly and intentionally distributed 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

2. Before RODNEY ALLEN PICKETT committed the offense charged in this count, RODNEY ALLEN PICKETT had the following final conviction for a serious drug felony for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense:

- Conviction in Russell County, Virginia Circuit Court on June 10, 2014 (Case No. CR13-15607), for Conspiracy to Distribute a Schedule II

Controlled Substance, in violation of Virginia Code Section 18.2-248.1:1,
with an offense date of January 10, 2013.

3. All in violation of Title 21, United States Code, Sections 841(a)(1),
841(b)(1)(B), and 851.

COUNT FIVE

1. On or about March 3, 2023, in the Western District of Virginia, RODNEY ALLEN PICKETT, knowingly and intentionally possessed with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841.

2. Before RODNEY ALLEN PICKETT committed the offense charged in this count, RODNEY ALLEN PICKETT had the following final conviction for a serious drug felony for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense:

- Conviction in Russell County, Virginia Circuit Court on June 10, 2014 (Case No. CR13-15607), for Conspiracy to Distribute a Schedule II Controlled Substance, in violation of Virginia Code Section 18.2-248.1:1, with an offense date of January 10, 2013.

3. All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 851.

COUNT SIX

1. On or about March 3, 2023, in the Western District of Virginia, RODNEY ALLEN PICKETT, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed the following firearms and ammunition, which were in and affecting commerce:
 - a. Palmetto State Armory, model PA-15, multi-caliber rifle;
 - b. Adams Arms Holdings, LLC, model AA-15, multi-caliber rifle;
 - c. Sig-Sauer, model 1911-22, .22 caliber pistol;
 - d. Kimber, model Custom LW, .45 caliber pistol; and
 - e. Assorted rounds of ammunition found at 1030 Front Street East, Coeburn, Virginia.

2. All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT SEVEN

1. On or about and between February 2022 and March 2023, in the Western District of Virginia and elsewhere, RODNEY ALLEN PICKETT, knowingly possessed the following firearms, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States (conspiracy to distribute and possess with the intent to distribute a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, as set forth in Count One, and possession with intent to distribute 500 grams or more of a mixture or substance containing

a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, as set forth in Count Five):

- a. Palmetto State Armory, model PA-15, multi-caliber rifle (a machinegun);
- b. Adams Arms Holdings, LLC, model AA-15, multi-caliber rifle, equipped with a firearm silencer;
- c. Sig-Sauer, model 1911-22, .22 caliber pistol; and
- d. Kimber, model Custom LW, .45 caliber pistol.

2. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) and 924(c)(1)(B)(ii).

COUNT EIGHT

1. On or about March 3, 2023, in the Western District of Virginia, RODNEY ALLEN PICKETT, knowingly possessed a machinegun, namely a Palmetto State Armory, model PA-15, multi-caliber rifle.
2. All in violation of Title 18, United States Code, Section 922(o) and 924(a)(2).

COUNT NINE

1. On or about March 3, 2023, in the Western District of Virginia, RODNEY ALLEN PICKETT, knowingly possessed firearms (as defined in Title 26, United States Code, Section 5845), to wit, three firearm silencers, as defined in Title 18, United States Code, Section 921, which were not identified by a serial number as required by chapter 53 of Title 26.

2. All in violation of Title 26, United States Code, Sections 5861(i), 5845(a), and 5871.

NOTICE OF FORFEITURE

1. Upon conviction of one or more of the felony offenses alleged in this Information, the defendant shall forfeit to the United States:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses, pursuant to 21 U.S.C. § 853(a)(1).
- b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said offenses, pursuant to 21 U.S.C. § 853(a)(2).
- c. any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances and/or raw materials, as described in 21 U.S.C. § 881(a)(1) and (2), and any proceeds traceable to such property, pursuant to 21 U.S.C. § 881(a)(11) and 28 U.S.C. § 2461(c).
- d. any firearms and ammunition involved or used in the commission of said offenses, or possessed in violation thereof, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).
- e. any firearms and ammunition involved or used in the commission of said offenses, or possessed in violation thereof, pursuant to 26 U.S.C. § 5872 and 28 U.S.C. § 2461(c).

2. The property to be forfeited to the United States includes but is not limited to the following property:

Firearms and Ammunition

- a. Palmetto State Armory, model PA-15, multi-caliber rifle, SN: SCB971793
- b. Adams Arms Holdings, LLC, model AA-15, multi-caliber rifle, SN: AA0017816

- c. Sig-Sauer, model 1911-22, .22 caliber pistol, SN: F186685
- d. Kimber, model Custom LW, .45 caliber pistol, SN: K818954
- e. Various rounds of ammunition seized during March 3, 2023 search
- f. Three firearm silencers seized during March 3, 2023 search

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL, this 21 day of June, 2023.

/s/ Grand Jury Foreperson

Christopher Kavanaugh/PDS
CHRISTOPHER R. KAVANAUGH
United States Attorney